

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 CATHY A. FADNER, as Representative )  
11 of the ESTATE OF DIANA J. REED, and )  
12 SEAN MARTIN MATHESON, )

13 Plaintiffs, )

14 vs. )

15 SANDOZ, INC., and NOVARTIS, INC. )  
16 and DOES I through L, ROES I through )  
17 L, inclusive, )

18 Defendants. )

Case No. 2:09-cv-01262-LDG-GWF

**ORDER ON SECOND JOINT  
MOTION TO PERMIT  
PRODUCTION OF MEDICAL  
AND OTHER RECORDS**

19 Before the Court is the parties' joint motion to permit the production  
20 of additional medical and other records for the decedent, Diana J. Reed (#28).  
21 Based upon the representations of the parties, the Court finds that the parties have  
22 a legitimate need for immediate access to the decedent's medical and other records  
23 and medical history for this lawsuit. HIPAA permits the disclosure of protected  
24 health information in certain instances even when a written authorization of the  
25 individual or the personal representative is not available. *See* 45 C.F.R. § 164.512  
26 ("A covered entity may use or disclose protected health information without the  
27 written authorization of the individual . . . in the situations covered by this  
28 section"). One such circumstance is when the disclosure of protected health  
information is made for judicial or administrative proceedings. 45 C.F.R. §

1 164.512(e). Under this provision, a health care provider may disclose the  
 2 information "in response to an order of a court." 45 C.F.R. § 164.512(e)(1)(i); *see also*  
 3 *Crenshaw v. MONY Life Ins. Co.*, 318 F. Supp. 1015, 1028 (S.D. Cal. 2004) ("During  
 4 the course of litigation, HIPAA authorizes several options for obtaining medical  
 5 records from healthcare professionals, including court orders").

6 For these reasons, good cause appearing, IT IS ORDERED that the  
 7 following entities produce their entire medical records file, employment records  
 8 file and/or financial information file for the decedent Diana J. Reed<sup>1</sup> to either party  
 9 to this case upon request:

- 10 1. Ceylon T. Caszatt, M.D.
- 11 2. Larry Pierce, DDS
- 12 3. Hilma Illinidala, M.D.
- 13 4. Lydia Estanislao, M.D.
- 14 5. Clark County Fire Department
- 15 6. Las Vegas Metropolitan Police Department
- 16 7. Nevada Controlled Substance Abuse Prevention Task Force

17 This order applies to all records, including but not limited to the  
 18 following: All medical and/or hospital records or reports, insurance records,  
 19 laboratory reports, autopsy reports, histology reports, cytology reports, pathology  
 20 reports, radiology reports, CT scan reports, MRI reports, electrocardiogram  
 21 reports, echocardiogram reports, electroencephalogram reports, cardiac  
 22 catheterization reports, radiographic films, echocardiograms, electrocardiograms,  
 23 electroencephalograms, pulmonary function tests, kidney function tests, urine  
 24 tests, creatinine clearance tests, blood tests, perfusion lung scans, cardiac  
 25 catheterizations, cardiac catheterization tracings, radiographic films, CT scans, X-  
 26 rays, MRI films, MRA films, myelograms, photographs, communications,

---

27 <sup>1</sup> The parties shall supply the decedent's date of birth and social security  
 28 number to each provider from whom records are requested.

1 correspondence, progress notes, pharmacy / prescription records, patient  
2 prescription history reports, questionnaires / histories, immunization records,  
3 charts, logs, letters, affidavits, declarations, recordings of any type on any media,  
4 written statements, disability records, medical bills, other documents or things in  
5 your possession or control, including tapes or transcripts of hearing(s), other  
6 judicial, administrative or non-judicial proceedings, documents concerning taxes,  
7 tax preparation, payroll, workers compensation, social security, disability or other  
8 claim for reimbursement filed by or on behalf of Diana J. Reed, including but not  
9 limited to: claim forms, questionnaires, statements, applications, disclosures,  
10 communications, correspondence, notes, settlements, agreements, contracts,  
11 reports, employment records, unemployment records, training records, and/or  
12 records of payments made.

13           The Court FURTHER ORDERS any other entity not identified above  
14 that has any such records pertaining to Diana J. Reed to produce such records to  
15 either party to this lawsuit upon request.

16  
17   
18 GEORGE W. FOLEY  
19 UNITED STATES MAGISTRATE JUDGE

20  
21  
22  
23  
24  
25  
26  
27  
28  
DATED: August 25, 2010